- L	Mimite Order Form (0997)	United States District Co	ourt, Northern District	t of Illinois	
	Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge		
	CASE NUMBER	02 C 6746	DATE	12/24	
	CASE TITLE	Peter Bennett vs. Arrow Financial Services LLC			

	or Magistrate Jud	ige		than Assigned Judge	<u> </u>	·			
CASE NUMBER		CR 02 0	C 6746	DATE	12/24	/2002			
CASE TITLE		Peter Bennett vs. Arrow Financial Services LLC							
мо	[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]								
			Memorandum O	pinion and Order					
DOC	CKET ENTRY	:							
(1)	□ Fi	led motion of [use listi	ng in "Motion" box ab	ove.]					
(2)	□ B ₁	Brief in support of motion due							
(3)	□ Aı	Answer brief to motion due Reply to answer brief due							
(4)	□ Ru	Ruling/Hearing on set for at							
(5)	□ St	Status hearing[held/continued to] [set for/re-set for] on set for at							
(6)	□ Pr	Pretrial conference[held/continued to] [set for/re-set for] on set for at							
(7)	☐ Tr	Trial[set for/re-set for] on at							
(8)	⊡ ල	Bench/Jury trial] [Flearing] held/continued to at							
(9)		s case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).							
(10)	[Other docket entry] Enter Memorandum Opinion and Order. Defendant moves to dismiss. That motion is granted, but with leave to file an amended complaint within 28 days.								
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(11)		or further detail see orded, advised in open court.	ler attached to the orig	inal minute order.]		()			
<u> </u>	No notices requir	•	·			Document Number			
-	Notices mailed by judge's staff.				number of notices				
	Notified counsel by telephone.				DEC 2 6 2002				
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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

PETER BENNETT,)		
)		
Plaintiff,)		
•)	Case No. 02 CV 6746	
v.)	Honorable Judge Moran	
•) .		
ARROW FINANCIAL SERVICES LLC)		DOOVETER
	j		DOCKETED
Defendant.)		DEC 2 6 2002

MEMORANDUM OPINION AND ORDER

Plaintiff complains that defendant kept trying to collect a stale debt after plaintiff asked for verification in a telephone conversation, and that defendant discussed the matter with plaintiff's wife. He claims those actions violated the Fair Debt Collection Practices Act, without specifying the sections. Defendant moves to dismiss. That motion is granted, but with leave to file an amended complaint within 28 days.

Defendant correctly notes that if the claimed violations are failing to cease collection efforts and discussing the matter with plaintiff's wife, the allegations are deficient because ceasing the efforts became an obligation only after the alleged debtor has notified the defendant in writing and communications with a spouse are not communications with a third-party for purposes of 15 U.S.C. § 1692(b). Undoubtedly, recognizing the force of those contentions, plaintiff now recasts his theory, arguing that five plus telephone calls on September 10, 2002, were harassment violating 15 U.S.C. § 1692d. And possibly (we do not now consider the matter)

plaintiff can state a claim that defendant intended to annoy, abuse or harass him by making the calls. But that is not what the present complaint alleges.

JAMES B. MORAN

Dec. 24 , 2002.

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